

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference D214-B-10927WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FR2004/001422	International filing date (day/month/year) 09.06.2004	Priority date (day/month/year) 20.06.2003
International Patent Classification (IPC) or national classification and IPC		
<p>Applicant PISCINES DES JOYAUX SA</p>		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001422

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-10 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-8 received by this Authority on 19.03.2005 with letter of 15.03.2005
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/4-4/4 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FR2004/001422

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-8</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-8</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-8</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. The amendment submitted with the letter of 15 March 2005 causes the subject matter of the application to be extended beyond the content of the application as filed. It follows that it is contrary to the provisions of PCT Article 34(2)(b). Specifically, the applicant has excised the following feature from claim 1:

– “squared”

The original description mentions (see page 7, line 10) a **squared frame** but does not specify that the frame of the panel according to the invention can also be considered to be any kind of frame, i.e. a **non-squared** frame.

As a result, the fact that the applicant excised the subject matter feature has been ignored (PCT Rule 70.2(c)) for the purposes of the present examination.

2. Reference is made to the following document:

D1: FR-A-2 765 909 (PISCINES DESJOYAUX SA) 15

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January 1999 (1999-01-15)

3. Document **D1**, which is considered to be the closest prior art, describes (see D1, column 3, line 40 to column 6, line 26 and figures 1 to 3, 5 and 10 to 14) a panel for making a swimming pool, which panel has the features set forth in the preamble of claim 1.

The subject matter of claim 1 **differs** from **D1** in that the dimensions of the panel are limited in size (e.g. a width of 250 mm) and in that the panel is made by a plastic injection method (see **D1**, page 9, lines 16-20 and figure 1).

It follows that the subject matter of claim 1 is novel (PCT Article 33(2)).

4. The **problem** that the present invention is intended to solve can thus be considered to be that of:

"finding a way to increase the size of the panel".

The **solution** to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

The use of a method for the compression-injection of a plastic material makes it possible to produce panels having larger dimensions (e.g. width) of around 1000 mm to 2000 mm so that, for example, the number of joints along the relevant length of

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the swimming pool to be built from said panels can be reduced.

Furthermore, a compression-injection method advantageously enables a recycled plastic material to be used while averting possible deformation of a wider panel, i.e. a possible problem of twisting thereof.

It follows that the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

5. Claims **2** to **8** are dependent on claim **1** and thus also comply, as such, with the requirements of novelty and inventive step of the **PCT**.

Observations

(a) Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in document **D1** has not been indicated in the description.

(b) Contrary to the requirement of PCT Rule 5.1(a)(iii), the description is not consistent with the claims.